

U.S. App No. 10/719,480
Filed: November 21, 2003
Response to July 11, 2006 Office Action

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REMARKS

Claims 1 – 55 are pending in this application. Page 2 of the Office Action states that restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 – 9, 13 – 19, 23 – 29, 33 – 39 and 43 and 45 drawn to a method for detecting a target nucleic acid in a sample.
- II. Claim 10 – 12, 20 – 22, 30 – 32, 40 – 42 and 53 - 55, drawn to a kit.
- III. Claims 46 - 52, drawn to a method for detecting a target nucleic acid in a sample.

In response, in an attempt to advance the prosecution of the subject application, but without conceding the correctness of the Examiner's position, Applicant has elected with traverse the claims in Group I, which include claims 1 – 9, 13 – 19, 23 – 29, 33 – 39 and 43 and 45.

Page 3 of the Office Action states that Group I contains claims directed to the following patentably distinct species of the claimed invention:

- (1) the signal generating moiety is a fluorescent agent (claims 5, 15, 25 and 35)
- (2) the signal generating moiety is a chemiluminescent agent (claims 6, 16, 26 and 36)
- (3) the signal generating moiety is an enzyme or enzyme substrate (claims 7, 17, 27 and 37).

In response, in an attempt to advance the prosecution of the subject application, but without conceding the correctness of the Examiner's position, Applicant has elected with traverse species (1) that the signal generating moiety is a fluorescent agent.

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Page 4 of the Office Action states that Group I further contains claims directed to the following patentably distinct species of the claimed invention:

- (4) an amplification method is polymerase chain reaction (claims 8, 18, 28 and 38)
- (5) an amplification method is strand displacement amplification (claims 8, 18, 28 and 38)
- (6) an amplification method is transcription mediated amplification (claims 8, 18, 28 and 38)
- (7) an amplification method is RAM (claims 8, 18, 28 and 38)
- (8) an amplification method is primer extension (claims 8, 18, 28 and 38)

In response, in an attempt to advance the prosecution of the subject application, but without conceding the correctness of the Examiner's position, Applicant has elected with traverse species (7) that an amplification method is RAM.

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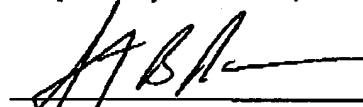
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CONCLUSION

Applicant respectfully submits that this application is in condition for allowance. Early and favorable action is earnestly solicited. No fee, other than the \$225 fee for a two-month extension of time, is deemed necessary in connection with the filing of this Response. However, if any additional fee is due the amount of such fee may be charged to Deposit Account No. 19-4709. In the event that there are any questions, or should additional information be required, please contact applicants' attorney at the number listed below.

Respectfully submitted,



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